

## **REMARKS**

### **I. Introduction**

As a result of this response, claim 7 has been canceled herein without prejudice, claims 6 and 9 have been amended, claims 11 and 12 have been added, and therefore claims 6 and 8 to 12 are currently pending. In view of the foregoing amendments and the following remarks, it is respectfully submitted that claims 6 and 8 to 12 are allowable, and reconsideration of these claims is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

### **II. Objection to Claim 9**

With respect to claim 9, the Office Action states that “[t]he claim recites only two elements a housing and an integrator, whereas the claim is to an acceleration sensor system. The Examiner suggests that an acceleration sensor should be positively recited.” (Office Action, p. 2). While the objection may not be agreed with, to facilitate matters, claim 9 has been rewritten to include “a sensor element provided in the housing,” thereby obviating the present objection. No new matter has been added, and claim 9, as presented, is supported by the Substitute Specification. Withdrawal of this objection is therefore respectfully requested.

### **III. Rejection of Claims 6 and 7 Under 35 U.S.C. § 112, First Paragraph**

Claims 6 and 7 were rejected under 35 U.S.C. § 112, first paragraph, as being non-enabling. As an initial matter, claim 7 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 7. It is respectfully submitted that claim 6 satisfies the enablement requirement, for at least the following reasons.

Claim 6 recites a control unit, including a processor, and an electronic safety switch. Although the Substitute Specification states that “high-pass filtering is necessary in order to compensate for a possible offset drift of the sensor,” the Substitute Specification does not state that high-pass filtering is necessarily present in the control unit. (Substitute Specification, p. 4, lines 17 to 18). Accordingly, it may be provided that an acceleration sensor system includes a high-pass filter which is provided outside the control unit (as shown

by “PAS” in Figure 1), in which case no high-pass filter need be present in the control unit. In addition, the Substitute Specification clearly indicates that “a high pass filter ... may be connected downstream, for example,” (Substitute Specification, p. 2, lines 5 to 6), which supports the recitation of this feature in claim 8.

Accordingly, it is therefore respectfully requested that the rejection be withdrawn.

#### IV. Rejection of Claims 6 and 7 Under 35 U.S.C. § 102(b)

Claims 6 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,083,276 (the “Okano ’276 reference”). As an initial matter, claim 7 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 7. Applicants respectfully submit that claim 6 is allowable, for the following reasons.

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 6 recites the following:

6. *A control unit for actuating a passenger protection arrangement, comprising:*

*a processor; and  
an electronic safety switch that, as a function of a signal of an acceleration sensor system, releases an output stage independently of the processor, the processor actuating the output stage as a function of the signal, wherein the safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system, wherein the acceleration sensor system includes an integrator for integrating the integrated acceleration signal.*

The Okano '276 reference does not identically disclose, or even suggest, at least the above-identified claim features. The Okano '276 reference merely indicates two acceleration sensors 20A, 20B, a microcomputer 24 for performing calculations of integration, and two analog processing circuits 22A, 22B which include integrating circuits 40. (Okano '276, col. 2, lines 3 to 31). Although the Office Action asserts (on page 4) that gates 60, 61 of the Okano '276 reference are electronic safety switches, Applicants respectfully disagree with this characterization. As recited in claim 6 of the present application, the electronic safety switch releases an output stage independently of the processor. In contrast, the gates 60, 61 of the Okano '276 reference are clearly shown to depend upon the outputs O<sub>A</sub>, O<sub>B</sub> from the microcomputer 24. (Okano '276, col. 4, lines 3 to 31; and Figure 1). Thus, it is respectfully submitted that the gates 60, 61 are not electronic safety switches that release an output stage independently of the processor, as recited in claim 6.

The Okano '276 reference indicates that the two analog processing circuits 22A, 22B may function as safety switches. (Okano '276, col. 5, line 64 to col. 6, line 4). However, even in this case, the Okano '276 reference does not identically disclose, or even suggest, the features that *the safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system, and the acceleration sensor system includes an integrator for integrating the integrated acceleration signal*, as recited in claim 6. The Okano '276 reference merely states that "[e]ach of the acceleration sensors 20A and 20B outputs an analog signal representative of the acceleration acting on the vehicle." (Okano '276, col. 3, lines 8 to 11). Thus, the Okano '276 reference does not indicate that the signal of the acceleration sensors 20A, 20B is an integrated acceleration signal. In this regard, the Substitute Specification of the present application states that "[i]t is essential for the present invention that sensors S and PAS output integrated acceleration signals." (Substitute Specification, p. 4, lines 3 to 4). Further, since the microcomputer 24 and the analog

processing circuits 22A, 22B of the Okano '276 reference perform integration calculations, the Okano '276 reference also does not indicate that the acceleration sensors 20A, 20B include an integrator. Therefore, the Okano '276 reference does not identically disclose, or even suggest, all the features included in claim 6.

Therefore, for at least the foregoing reasons, independent claim 6 is not anticipated by the Okano '276 reference. It is therefore respectfully requested that the rejection be withdrawn.

**V. Rejection of Claim 9 Under 35 U.S.C. § 102(b)**

Claim 9 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,178,820 (the "Kirjavainen reference"). Applicants respectfully traverse this rejection, for the following reasons.

Independent claim 9 recites the following:

9. *An acceleration sensor system, comprising:  
a housing;  
a sensor element provided in the housing;  
an analog-to-digital converter provided in the housing; and  
an integrator provided in the housing and for integrating an acceleration signal.*

The Kirjavainen reference does not identically disclose, or even suggest, at least the above-identified claim features. The Kirjavainen reference merely indicates an acceleration and sound pressure sensor. However, the Kirjavainen reference does not indicate the feature of an analog-to-digital converter provided in the housing, as provided for in the context of claim 9, as presented. Therefore, the Kirjavainen reference does not identically disclose, or even suggest, all the features included in claim 9.

Therefore, for at least the foregoing reasons, independent claim 9 is not anticipated by the Kirjavainen reference. It is therefore respectfully requested that the rejection be withdrawn.

**VI. Rejection of Claim 10 Under 35 U.S.C. § 102(b)**

Claim 10 was rejected under 35 U.S.C. § 102(b) as anticipated by International Patent Application Publication No. WO 02/066995 (the "Mancinone reference"). Applicants respectfully traverse this rejection, for the following reasons.

Applicants note that claim 10 depends from independent claim 9. The Mancinone reference merely indicates a vibration measurement apparatus. However, the Mancinone reference does not indicate the feature of *an analog-to-digital converter provided in the housing*, as recited in parent claim 9. Therefore, the Mancinone reference does not anticipate parent claim 9 and its dependent claim 10. It is therefore respectfully requested that the rejection be withdrawn.

**VII. Rejection of Claim 8 Under 35 U.S.C. § 103(a)**

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Okano '276 reference, in view of U.S. Patent No. 5,431,441 (the "Okano '441 reference"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Applicants note that claim 8 depends from independent claim 6. As noted above, claim 6 is not anticipated by the Okano '276 reference. In addition, the Okano '441 reference fails to remedy the deficiencies of the Okano '276 reference as applied against parent claim 6. Specifically, the Okano '441 reference also does not disclose, or suggest, the features that *the*

*safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system, and the acceleration sensor system includes an integrator for integrating the integrated acceleration signal, as recited in parent claim 6. The Okano '441 reference does not indicate that the signal of the acceleration sensor 1 is an integrated acceleration signal. Further, since the first and second integral circuits 4, 10 perform integration, the Okano '441 reference does not indicate that the acceleration sensor 1 includes an integrator. (Okano '441, Figure 1). Therefore, the combination of the Okano '276 and Okano '441 references does not render obvious claim 6 or its dependent claim 8.*

It is therefore respectfully requested that the rejection be withdrawn.

#### **VIII. New Claims**

New claims 11 and 12 depend from independent claims 6 and 9, respectively, which are allowable at least for the reasons discussed above. As such, new claims 11 and 12 are also allowable. Support for new claims 11 and 12 may be found in the Substitute Specification, e.g., at page 4, lines 1 to 2; page 4, lines 11 to 28; and Figures 2 and 3.

#### **IX. Conclusion**

Applicants respectfully submit that claims 6 and 8 to 12 of the present application under consideration are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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